

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GIOVANNI GUADAGNINI,
Plaintiff,
v.
SAMTRANS, et al.,
Defendants.

Case No. 21-cv-02613-VC

**ORDER DENYING MOTION TO
DISMISS**

Re: Dkt. No. 81

Caltrans's motion to dismiss is denied. Caltrans argues that the complaint does not give it adequate notice as to whether Guadagnini seeks a ruling that Caltrans itself is violating the ADA and, if so, on what basis. But the best reading of the complaint suggests that Guadagnini has included Caltrans in the case only to enable him to seek full relief for violations by the County and the City. When asked at the hearing, counsel for Guadagnini seemed to confirm as much. Adding a party as a defendant under Rule 19 to facilitate full relief is permissible even where no claim is asserted against that party. *See Equal Employment Opportunity Commission v. Peabody Western Coal Company*, 400 F.3d 774, 781 (9th Cir. 2005); *National Wildlife Federation v. Espy*, 45 F.3d 1337, 1344–45 (9th Cir. 1995).

In an abundance of caution, at the case management conference (and in the joint case management statement), Guadagnini must explain and confirm that he has added Caltrans only to effectuate injunctive relief.

IT IS SO ORDERED.

Dated: April 24, 2023



VINCE CHHABRIA
United States District Judge